

U.S. Patent Application Serial No. 10/588,717

Amendment filed June 5, 2009

Reply to OA dated February 9, 2009

REMARKS

Claims 1, 2 and 7-14 are pending in this application. Claims 1, 2, 7-11 and 14 are canceled without prejudice or disclaimer, claims 12 and 13 are amended, and claims 15-21 are newly added herein. Upon entry of this amendment, claims 12, 13 and 15-21 will be pending. Entry of this amendment and reconsideration of the rejections are respectfully requested.

No new matter has been introduced by this Amendment. Support for the amendments to the claims is discussed below.

Claim 12 is amended to be in independent form, incorporating the limitations of the photocurable resin composition of base claim 1. Claim 12 is also amended so that at least one of a lower cladding layer (I), a core (II) and an upper cladding layer (III) is obtained by drying a photocurable resin composition and optionally curing the dried photocurable resin composition. Support for the amendment may be found on page 15, lines 18-24; page 20, line 34 to page 21, line 7; page 23, line 31 to page 24, line 9; and page 25, lines 18-29 of the present specification.

Claim 13 is amended to be in independent form, incorporating the limitations of claim 10. Claim 13 is also amended to delete the "formed using" product-by-process recitation, reciting that at least one of a lower cladding layer (I), a core (II) and an upper cladding layer (III) is a photocurable dry film or photocured article thereof, and to recite that the photocurable dry film is obtained by drying the photocurable resin composition, as supported by claim 10. Support for the amendment may be found on page 15, bottom line to page 16, line 6; lines 18-22; page 21, lines 8-25; page 24,

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lines 10-34; page 25, line 30 to page 26, line 10; and page 26, lines 32-35 of the present specification.

Newly added claims 15-18 and 20 depend ultimately from claim 12, and are supported by claims 2, 7- 9 and 14.

Newly added claim 19 depends from claim 13, and is supported by claim 11.

Newly added claim 21 depends from claim 12.

Claims 10, 12 and 13 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. (Office action p. 2- p. 3)

The rejection of claim 10 is moot in view of the cancellation of this claim without prejudice or disclaimer. The rejection of claims 12 and 13 is overcome by the amendments to these claims.

The Examiner states that it is not clear how the film is “formed using the photocurable resin composition.” The “formed using” recitation is deleted in claims 12 and 13. The amendment to claim 12 clarifies that at least one of a lower cladding layer (I), a core (II) and an upper cladding layer (III) is obtained by drying a photocurable resin composition.

The amendment to claim 13 clarifies that at least one of a lower cladding layer (I), a core (II) and an upper cladding layer (III) is a photocurable dry film or photocured article thereof; and the photocurable dry film is obtained by drying the photocurable resin composition.

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Claims 1, 2, 7-11 and 14 are rejected under 35 U.S.C. §102(e) as being anticipated by Oshima (US Patent No. 6,777,155). (Office action p. 3)

Claims 1, 2, 7-11 and 14 are canceled without prejudice or disclaimer.

Claims 12-13 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. §112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. (Office action p. 4)

Applicant submits that claims 12 and 13 have been amended in independent form so as to overcome the rejection under 35 U.S.C. 112, second paragraph. The limitations of claims 2, 7-9 and 14 have been incorporated into new dependent claims 15-18 and 20, which depend ultimately from claim 12, and the limitation of claim 11 has been incorporated into new claim 19, which depends from claim 13. In addition, new claim 21 depends from claim 12, and recites the waveguide in which the photocurable resin composition for (I), (II) or (III) is dried and cured. New claims 15-21 should therefore also be allowable.

Reconsideration of the rejections and allowance of the claims is therefore respectfully requested.

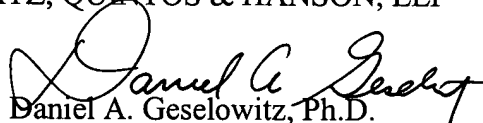
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If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicants' undersigned agent at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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Enclosure: Petition for Extension of Time

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